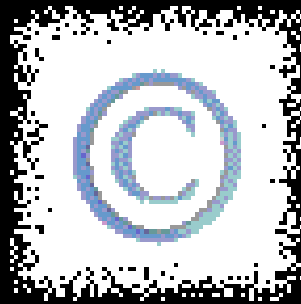


Copyright and Fair Use for Educators.



Wendy Torres Roland Park Country School

<http://tinyurl.com/297tdfq>

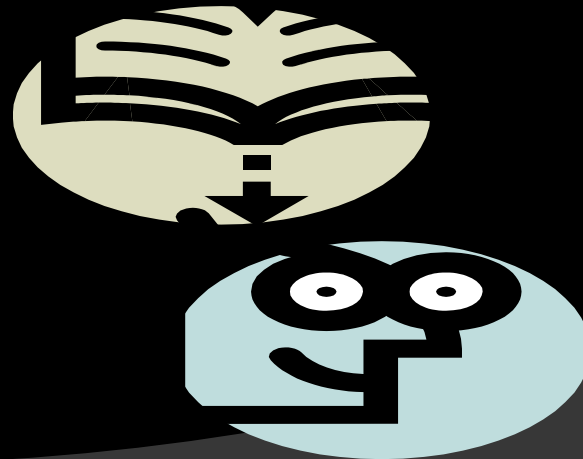
<http://tinyurl.com/23h3ur8>

Why should we learn about copyright and fair use laws?

- ⦿ We are also responsible for demonstrating and modeling proper ethical behavior.
- ⦿ We also have the responsibility of helping prepare our students to be able, and productive members of the work force.
- ⦿ In an increasingly mobile society, access to information is readily available. However, just because our students have access to the information doesn't mean they know how to use it accurately.
- ⦿ As educators, we cannot expect our students to use the information available to them in a responsible manner, if we don't model the same behaviors ourselves.
- ⦿ Likewise, we cannot hold our students accountable for infractions, if we don't have a clear understanding of where the lines and boundaries exist.

What is Intellectual Property?

- It is property that comes from an idea that is expressed in a tangible form.
- Intellectual property has value to the creator.



What does tangible mean?

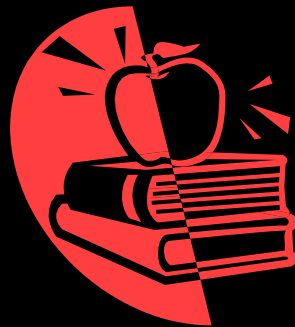
Tangible means the work is in a format that has substance or material.

For example, a song becomes tangible when it is put into a document or made into a recording. A painting is made tangible when it is put on a canvas.



Copyright

Intellectual Property is protected under a complex series of laws called copyright.



Copyright

Copyright is protection provided by the laws of the United States to the creators of things like books or other written works, as well as other dramatic, musical, and artistic works.

Copyright

Copyrighted works are protected from being copied, distributed, performed, or changed without the creator's (or owner's) permission.

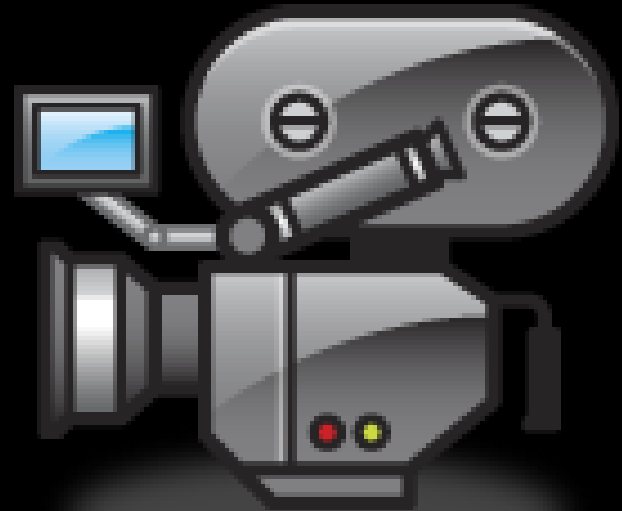


So... does that mean I need permission for everything I use in my class to teach?

- No. Copyright laws actually have exceptions that allow educators to use a good amount of copyrighted material without asking for permission or paying licensing fees. These exceptions are called Fair Use.

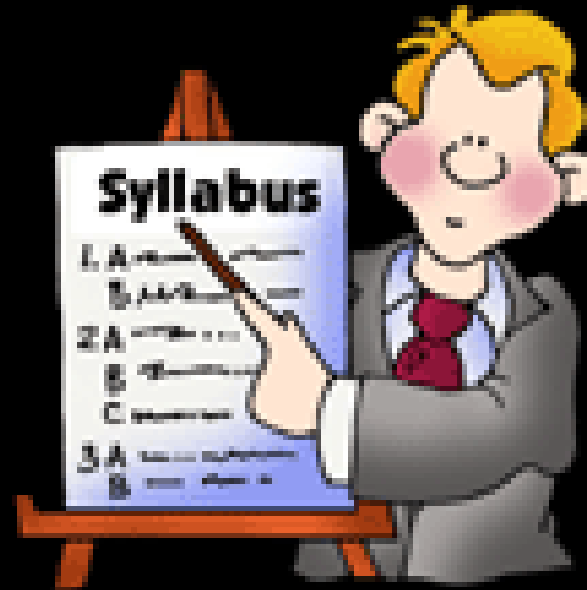
Click on the link below to see what is allowed under Fair Use:

- ◎ <http://www.youtube.com/watch?v=rzIry1c76nc&feature=related>



Who qualifies for exceptions to copyright law(Fair Use)?

- Those who are using the material for the basis of:
 - Criticism
 - Teaching
 - Reporting
 - Commentary
 - Scholarship
 - Research



Great! So I can use any material I want when I want for teaching!

- ⦿ Not exactly. As educators we have a great amount of freedom with being able to use copyrighted material in our classroom.
- ⦿ But...there are restrictions that we need to be aware of.



Restrictions to Fair Use

- ⦿ There are four restrictions that must be considered when you deal with Fair Use laws:
- ⦿ Purpose and Character of use
- ⦿ Nature of copyright work itself
- ⦿ Amount or percentage of use
- ⦿ Effect of the use on the market value of the material

Click here to view a video that explains the restrictions to Fair Use.

<http://www.youtube.com/watch?v=w-fDtYUdpCU>

Note: The website copyrighteducation.org has been changed to:

<http://www.koce.org/classroom/copyright.htm>

So...let's review...

Purpose and Character of use

Are you using it for profit?

Are you using it to promote a service?

Are you using it for entertainment or reward?

Are you using it for educational purposes?

Are you using it to teach content?

If the answer is yes to this question, you cannot use the material under Fair Use Laws.



If the answer to this question is yes, you can use the material under Fair Use Laws.



So...let's review...

Nature of Copyrighted work

Is the material normally something that students would have to purchase?

Is the material a consumable like a workbook?

Does material require a subscription for use?

Is the material readily available?

Is the material intended for commercial use?

If the answer is yes to this question, you cannot use the material under Fair Use Laws.



If the answer to this question is yes, you can use the material under Fair Use Laws.



So...let's review...

Amount of
percentage
used

Does the amount used effect the the resale value of the material? In other words, does the amount of material you used effect the copyright holder negatively?

If the answer is yes to this question, you cannot use the material under Fair Use Laws.



Does the amount used meet the requirements agreed to by copyright holders? (see regulations chart)

If the answer to this question is yes, you can use the material under Fair Use Laws.



So...let's review...

Will using the material make the copyright holder lose profit?



If the answer is yes to this question, you cannot use the material under Fair Use Laws.

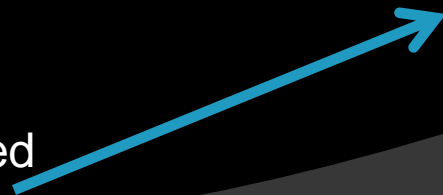


Will using the material effect the retail distribution of the material? Example, if you scan material and place it on a server, the material is not being individually purchased.



Effect of the use on the market value

Is the material intended for commercial use?

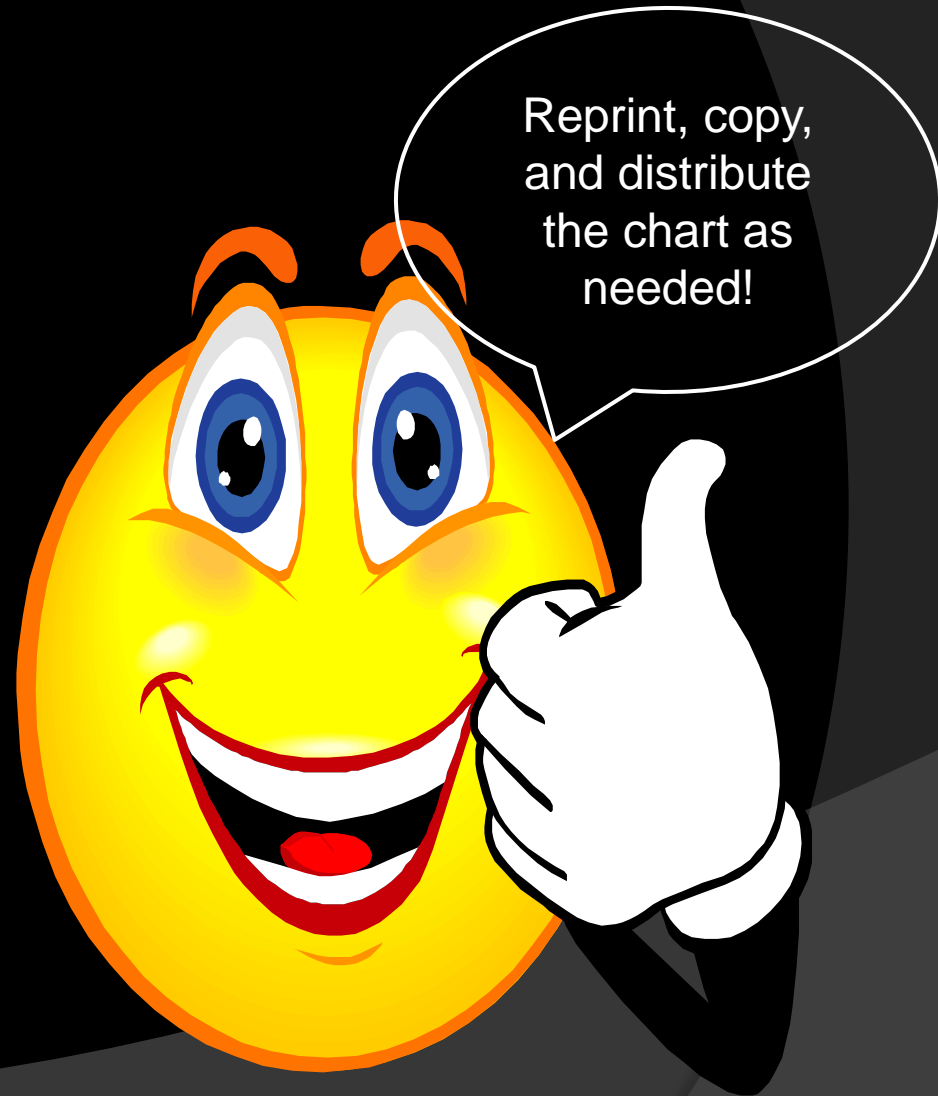


If the answer to this question is yes, you can use the material under Fair Use Laws.



Copyright resource chart

- Click on the link to access a resource chart that will give you more specifics about what you can do under the Fair Use Laws.
- <http://www.halldavidson.net/copyrightTEACH.pdf>



Using web 2.0 technologies and Fair use.

- ◉ As you can see, fair use laws were primarily designed to help teachers with their instruction within a wall to wall regular classroom setting.
- ◉ But...the rules change when it comes to using material from the Internet.



The problem with using the Internet and web 2.0 technology

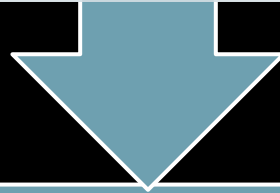
- Under the law, the Internet is not an instructional environment. So, there are some restrictions you need to be aware of when using Internet resources for instruction.



What you can do....

Can you use websites for instruction?(physical and online class)

Yes! You can use websites, project websites, and link to websites as part of your instruction.



Can you download material from a site and use it in your classroom? (face to face instruction)

Yes! The material has to be legally acquired, has to be used for instruction and you must include citations as to where you downloaded the material.

What you can't do...

You've downloaded materials and now you want to upload the materials to your website. Can you do it?

Generally, no. In essence, when you re-post it, you are claiming ownership. So, if you re-post items, you have to have permission from the copyright holder to post if you are posting on the open web. The permission could also be given on the holder's website.

But what about distance learning or online programs?

- The TEACH act of 2002 (Technology Education and Copyright Harmonization act), expanded the rights of teachers to use copyrighted materials for distance education. Students can access the materials from home.



Restrictions to the TEACH Act:

- ⦿ Your school has to be an accredited, non-profit school.
- ⦿ Material has to be legally acquired.
- ⦿ Material must only be accessible to students in the class(password protected.)
- ⦿ Material has to be for mediated instruction like materials you would use for a classroom.(can't be extra credit)
- ⦿ Material cannot be on the web indefinitely.

Restrictions cont.

- Material used must not be material that a student would normally purchase. Ex. You can't scan and upload a text book so that students don't have to buy the textbook.
- Your educational institution has to have a copyright policy in place in order to qualify for the Fair use exceptions for distance education.



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